

*Attorneys for Plaintiff and Counsel for the Class*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES  
LITIGATION

Case No. 3:18-cv-04865-EMC

**DECLARATION OF ADAM C.  
MCCALL IN OPPOSITION TO  
DEFENDANTS' MOTION FOR  
RECONSIDERATION (ECF NO. 401)  
AND IN OPPOSITION TO  
DEFENDANTS' MOTION FOR  
CERTIFICATION UNDER 28 U.S.C. §  
1292(b) (ECF NO. 402)**

1 I, ADAM C. MCCALL, hereby declare as follows:

2       1. I am an associate at Levi & Korsinsky, LLP, attorneys for Plaintiff Glen Littleton  
 3 in the above-captioned action. I make this declaration in support of Plaintiff's Opposition to  
 4 Defendants' Motion for Reconsideration (ECF No. 401) and Plaintiff's Opposition to Defendants'  
 5 Motion for Certification under 28 U.S.C. § 1292(b) (ECF No. 402). I am admitted to practice  
 6 before this Court. I have personal knowledge of the facts set forth herein and, if called as a witness,  
 7 could and would testify competently thereto.

8       2. Attached hereto are true and accurate excerpts from the following depositions  
 9 taken in this action as set forth below:

<u>Witness</u>	<u>Deposition Date</u>
Elon Musk	November 5, 2021
Dr. Michael Hartzmark	March 18, 2022
Professor Daniel Fischel	March 28, 2022
Glen Littleton	March 31, 2022

10       3. Attached hereto are true and accurate copies of the following exhibits marked  
 11 during depositions in the course of discovery:

<u>Exhibit #</u>	<u>Document Date</u>	<u>Exhibit Description</u>	<u>Bates Range</u>
103	11/5/2013	Form 8-K of Tesla Motors, Inc., dated November 5, 2013 re Elon's Twitter account	
337	8/7/2018	Email from Deepak Ahuja to Elon Musk, re: inquiries from investors	TESLA_LITTLETON_00019605

12       4. Attached hereto as Exhibit A is a true and accurate copy of the Transcript of  
 13 Proceedings held on March 10, 2022, before Judge Edward Chen in this matter. ECF No. 381.

14       5. Attached hereto as Exhibit B is a true and accurate copy of a transcript of a CNBC  
 15 segment that aired on August 7, 2018 titled "Was Elon Musk's tweet market manipulation?". The  
 16 transcript was prepared by Wendy Sawyer on May 5, 2022. Ms. Sawyer's certification of the  
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1 accuracy of the transcript is attached to the end of the transcript. The segment can be watched in  
2 full at the following link: [https://www.cnbc.com/video/2018/08/07/was-elon-musks-tweet-  
3 market-manipulation-tesla-tsla-stock-elon-musk-private-capital-investors-sec.html](https://www.cnbc.com/video/2018/08/07/was-elon-musks-tweet-market-manipulation-tesla-tsla-stock-elon-musk-private-capital-investors-sec.html) (last accessed  
4 May 6, 2022).

5 I declare under penalty of perjury that the foregoing is true and correct.  
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7 Executed this 6th day of May, 2022.  
8

9 s/ Adam C. McCall  
10 Adam C. McCall

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